

## 50 CFR Part 17

**Endangered and Threatened Wildlife and Plants; Endangered Status for *Chrysopsis floridana* (Florida Golden Aster)****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Final rule.

**SUMMARY:** The Service determines a plant in the family Asteraceae (asters), *Chrysopsis floridana* (Florida golden aster), to be an endangered species pursuant to the Endangered Species Act of 1973 (Act), as amended. Critical habitat is not being designated. This plant is endemic to small areas of ancient dunes in Hillsborough, Manatee, and Pinellas Counties, Florida. All known colonies of the plant are on private property. *Chrysopsis floridana* is endangered by residential and commercial development of its habitat, and also by mowing, intense grazing, and heavy use of off-road vehicles. This action will implement Federal protection and recovery provisions afforded by the Act for this plant.

**DATES:** The effective date of this rule is June 16, 1986.

**ADDRESSES:** The complete file for this rule is available for inspection, by appointment, during normal business hours at the Service's Endangered Species Station Office, 2747 Art Museum Drive, Jacksonville, Florida 32207.

**FOR FURTHER INFORMATION CONTACT:** David J. Wesley, Endangered Species Field Supervisor, at the above address (904/791-2580 or FTS 946-2580).

**SUPPLEMENTARY INFORMATION:****Background**

*Chrysopsis floridana* was described by John K. Small in 1903 from specimens collected by S. M. Tracy at Bradenton, Manatee County, Florida, in 1901. Small subsequently collected the species at Long Key, Pinellas County, in 1921 (where it has since been extirpated), and in southern Hillsborough County in 1924. The species was not collected again until 1953. Since 1961, a number of collections have been made in southern Hillsborough County near Riverview and Ruskin. Specimens were collected west of Bradenton, Manatee County, in 1964, and in 1982 (Andre Clewell, pers. comm.) (this population was incorrectly described in the proposal as being east of Bradenton and extirpated). A population was discovered near Seminole, Pinellas County, in 1983 (R. Wunderlin and A. Burdett, pers. comm.). *Chrysopsis floridana* was included in a list of the plants of a State park in Highlands County, Florida but this report is not supported by a specimen and is almost certainly incorrect. All the known populations are on private land.

Several alternative taxonomic treatments have been proposed for *Chrysopsis floridana* and associated species. Fernald (1937) made *Chrysopsis floridana* a variety of *C. mariana*. Shinnars (1951) merged the entire genus *Chrysopsis* into *Heterotheca*; Harms, in several publications, supported Shinnars' view, and formally published the name *Heterotheca mariana* subspecies *floridana*. Long (1970), preferring to recognize this plant as a species, published the name *Heterotheca floridana*. In the 1970's Semple began an extensive program of taxonomic research on golden asters that resulted in the reinstatement of *Chrysopsis* as a genus. A floristic treatment of the aster family in the southeastern United States by Cronquist (1980) included *Chrysopsis floridana* in *C. scabrella*, while noting that "work in progress by John C. Semple may necessitate the revival of some names here reduced to synonymy." Semple's

(1981) revision of the genus *Chrysopsis* recognized *C. floridana* as a full species.

*Chrysopsis floridana* is a perennial herb of the aster family. Young plants form rosettes with leaves that are covered with dense, white, short-wooly hairs. Upright stems that grow from the rosettes are 0.3-0.4 meters (1-1.5 feet) tall or taller, with closely-spaced, obovate-elliptic, hairy leaves. The leaves are nearly as large at the top of the stem as at the bottom. The flower heads are arranged in a more or less flat-topped cluster. Each head is slightly over 2.5 centimeters (1 inch) in diameter. Both the central disc and the rays are yellow. The plants grow in open, sunny areas in sand pine-evergreen oak scrub vegetation, on well-drained fine white sand. In the past, the plant also grew on beach dunes. The plant has been extirpated from much of its former range by urban development. The two largest remaining sites are in residential subdivisions where streets and utilities already exist, and where many houses have been built. Other threats are intense cattle grazing, railroad maintenance, and heavy off-road vehicle use (Wunderlin *et al.*, 1981).

*Chrysopsis floridana* was recognized as an endangered species by the Florida Committee on Rare and Endangered Plants and Animals in its 1979 publication on plants (Ward, 1979). In response to this project, the Service contracted for a status survey on this species by botanists from the University of South Florida. A preliminary status report was submitted in 1980 and a final report in 1981 (Wunderlin *et al.*, 1981).

*Chrysopsis floridana* was included as a category-1 species in a revised list of plants under review for threatened or endangered classification published in the December 15, 1980, **Federal Register** (45 FR 82480). Category 1 comprises taxa for which the Service presently has sufficient biological information to support their being proposed to be listed as endangered or threatened species.

The Endangered Species Act Amendments of 1982 required that all petitions pending as of October 13, 1982,

be treated as having been newly submitted on that date. The species listed in the December 15, 1980, notice of review were considered to be petitioned, and the deadline for a finding on those species, including *Chrysopsis floridana* was October 13, 1983. On October 13, 1983, and again on October 13, 1984, the petition finding was made that listing *Chrysopsis floridana* was warranted but precluded by other pending listing actions, in accordance with section 4(b)(3)(B)(iii) of the Act. Such a finding requires a recycling of the petition, pursuant to section 4(b)(3)(C)(i) of the Act. On August 5, 1985, the Service published a proposed rule in the **Federal Register** (50 FR 31629), to list *Chrysopsis floridana* as an endangered species, constituting the next required one year finding.

#### Summary of Comments and Recommendations

In the August 5, 1985, proposed rule (50 FR 31629) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, scientific organizations, and other interested parties were contacted and requested to comment. A newspaper notice was published in the *Tampa Tribune* on August 23, 1985, which invited general public comment. Eight written comments were received and are discussed below.

One State agency, The Florida Natural Areas Inventory; the Pinellas County Board of County Commissioners; two garden clubs; and two garden circles supported listing. A Florida botanist did not oppose the proposal to list *Chrysopsis floridana*, but questioned the prudence of listing this weedy looking plant, an action that might provoke residential developers. He said that he would rather see other species listed first, and also suggested that recovery action could be conducted without listing. The Service responds that the Act requires listing of species to be based on the best biological and commercial data available. The Service is proceeding to list *Chrysopsis floridana*, because an excellent new taxonomic revision of the genus was available, together with up to date information on its status, and its listing priority number (see listing priority guidelines, 48 FR 43098) is higher than other candidate plants which are awaiting listing. Recovery actions are organized by the Service after a species is listed as endangered or threatened.

#### Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that *Chrysopsis floridana* should be classified as an endangered species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Chrysopsis floridana* Small (Florida golden aster) [synonyms: *Chrysopsis mariana* (L.) Ell. var. *floridana* (Small) Fern., *Heterotheca mariana* subsp. *floridana* (Small) Harms, and *Heterotheca floridana* (Small) Long] are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The historical range of the Florida golden aster is uncertain because new specimens were ever collected. The plant has been extirpated from most of the sites where it was collected prior to the 1970's, including Long Key (St. Petersburg Beach) and Bradenton Beach. A population reported from Manatee County in 1982 was in a "remnant sand pine scrub patch in an area that was rapidly becoming residential west of Bradenton" (Clewel, pers. comm., 1985). The Seminole area, in Pinellas County, is urban, with little or no possible habitat left for the golden aster. The five existing populations in southern Hillsborough County are all on well-drained sand soil with sand pine-evergreen oak scrub vegetation. The two largest populations are in residential subdivisions. The Florida golden aster is restricted to vacant lots, where it occupies areas of bare sand at the edges of remnants of scrub vegetation. Other populations are in scrub vegetation grazed by cattle, on an abandoned railroad embankment, and in a recently burned sand pine scrub area. At least 16 tracts of scrub vegetation near the existing populations lack *Chrysopsis floridana* (Wunderlin *et al.*, 1981). *Chrysopsis floridana* requires bare sand. Consequently, the plant benefits from limited disturbance (which can include fire, limited land clearing, grazing, and off-road vehicles), but may be destroyed by more intense, frequent, or extensive disturbance. Such disturbance, including dumping and intense off-road vehicle use, threatens the Florida golden aster. The plant does

not tolerate mowing. The main threat to this plant is the loss of its habitat to residential construction as the urbanization of southern Hillsborough County progresses. The recent completion of Interstate Highway 75 from Tampa to Bradenton ensures rapid growth (Wunderlin *et al.*, 1981).

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* All populations of *Chrysopsis floridana* occur in areas that are easily accessible and near population centers. *Chrysopsis floridana* has been suggested for cultivation for planting on barrier island dunes. If such a demand develops, care will have to be taken to ensure that material is obtained from only cultivated sources (not from wild populations).

C. *Disease or predation.* Two populations found in pastures are subject to grazing by cattle. Light grazing may be beneficial or non-harmful to this species; however, heavy grazing with associated soil compaction and erosion would further threaten *Chrysopsis floridana*.

D. *The inadequacy of existing regulatory mechanisms.* *Chrysopsis floridana* is listed as endangered under the Preservation of Native Flora of Florida Act (Section 581.185-187, Florida Statutes), which regulates taking, transport, and the sale of plants, but does not provide habitat protection. The Hillsborough County Land Alteration and Landscaping Ordinance (Ordinance 85-29) provides limited protection to the plant's sand pine scrub habitat, but not to the plant itself. Federal listing augments these protections, and provides for development of a recovery plan for the species.

E. *Other natural or manmade factors affecting its continued existence.* Restriction to specialized habitats and small geographically limited ranges tend to intensify any adverse effects upon the populations or habitat of any rare plant. This is certainly true for *Chrysopsis floridana* and is further intensified by the loss of habitat that has already taken place.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list *Chrysopsis floridana* as endangered. The very limited habitat and range of this plant render it highly vulnerable to residential and commercial real estate development. All the populations are on private land. Several sites where they formerly occurred have been lost and

the species is in danger of extinction. Critical habitat is not being designated for the reasons discussed in the next section.

#### Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate any habitat of a species, which is considered to be critical habitat, at the time the species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for *Chrysopsis floridana* at this time. Such designation would not be beneficial to *Chrysopsis floridana* since identification of critical habitat with maps and precise localities, several of them in residential neighborhoods, would increase the degree of threat from taking or vandalism. All populations of this plant occur in easily accessible sites in heavily populated areas. Appropriate landowners, county and State agencies, and Federal agencies (should any become involved in the future) will be notified of the locations of this plant and the Service will work towards protection of the sites during the recovery process. No additional notification benefits would accrue from designating critical habitat.

#### Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402 and are now under revision (see

proposal at 48 FR 29990; June 29, 1983). Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. Since all presently known sites for *Chrysopsis floridana* are on private land where no Federal involvement is currently known, there will be no effect on Federal agencies from the above requirements unless the project requires a Federal permit or approval.

The Act and its implementing regulations found at 50 CFR 17.61, 17.62, and 17.63 set forth a series of general trade prohibitions and exceptions that apply to all endangered plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.61, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale this species in interstate or foreign commerce, or to remove and reduce to possession the species from areas under Federal jurisdiction. Certain exceptions can apply to agents of the Service and State conservation agencies. The Act and 50 CFR 17.62 and 17.63 also provide for the issuance of permits to carry out otherwise prohibited activities involving endangered species under certain circumstances. It is anticipated that few trade permits will be sought or issued since this species is not common in cultivation or in the wild. *Chrysopsis floridana* might be cultivated in the future for planting on barrier island dunes. *Chrysopsis floridana* is not known at present on Federal lands, so requests for collection permits are not anticipated. Requests for copies of the regulations on plants and inquiries regarding them may be addressed to the Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, Washington, DC 20240 (703/235-1903).

#### National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as

amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

#### References Cited

- Cronquist, A. 1980. Vascular flora of the southeastern United States. Vol. 1, Asteraceae. University of North Carolina Press. Chapel Hill.
- Fernald, M.L. 1937. Plants of the inner coastal plain of Virginia. *Rhodora* 39:433-459.
- Long, R. 1970. Additions and nomenclatural changes in the flora of southern Florida. *Rhodora* 72:17-46.
- Semple, J.C. 1981. A revision of the goldenaster genus *Chrysopsis* (Nutt.) Ell. *Nom. Cons. (Compositae—Astereae)*. *Rhodora* 83(835):323-384.
- Shinners, L.H. 1951. The North Texas Species of *Heterotheca* including *Chrysopsis* (Compositae). *Field and Lab* 19:66-71.
- Ward, D.B. (editor). 1979. Rare and Endangered Biota of Florida, Volume 5: Plants. University Presses of Florida, Gainesville, Florida. 175 pp.
- Wunderlin, R., D. Richardson, and B. Hansen. 1981. *Chrysopsis floridana*. Status report prepared for U.S. Fish and Wildlife Service. Endangered Species Field Station files, Jacksonville, Florida.

#### Author

The primary author of this final rule is David L. Martin, Endangered Species Field Station, U.S. Fish and Wildlife Service, 2747 Art Museum Drive, Jacksonville, Florida 32207 (904/791-2580 or FTS 946-2580).

#### List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

#### Regulation Promulgation

#### PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 continues to read as follows:

**Authority:** Pub. L. 93-205, 87 Stat. 804; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. Amend § 17.12(h) by adding the following, in alphabetical order under Asteraceae, to the List of Endangered and Threatened Plants:

#### § 17.12 Endangered and threatened plants.

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(h) \* \* \*

Species		Historic range	Status	When listed	Critical habitat	Special rules
Scientific name	Common name					
Asteraceae—Aster family:						
<i>Chrysopsis floridana</i> (= <i>Heterotheca floridana</i> ).	Florida golden aster	U.S.A. (FL)	E	232	NA	NA

Dated: April 18, 1986.

**P. Daniel Smith,**

Deputy Assistant Secretary for Fish and  
Wildlife and Parks.

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